



PLANNING COMMISSION SYNOPSIS

Wednesday, April 9, 2008

5:00 p.m. STUDY SESSION

Riparian Corridor Policy

ROOM LOCATION T-332

6:30 p.m. General Plan & Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

Xavier Campos

Lisa Jensen

Matt Kamkar

Christopher Platten

Jim Zito

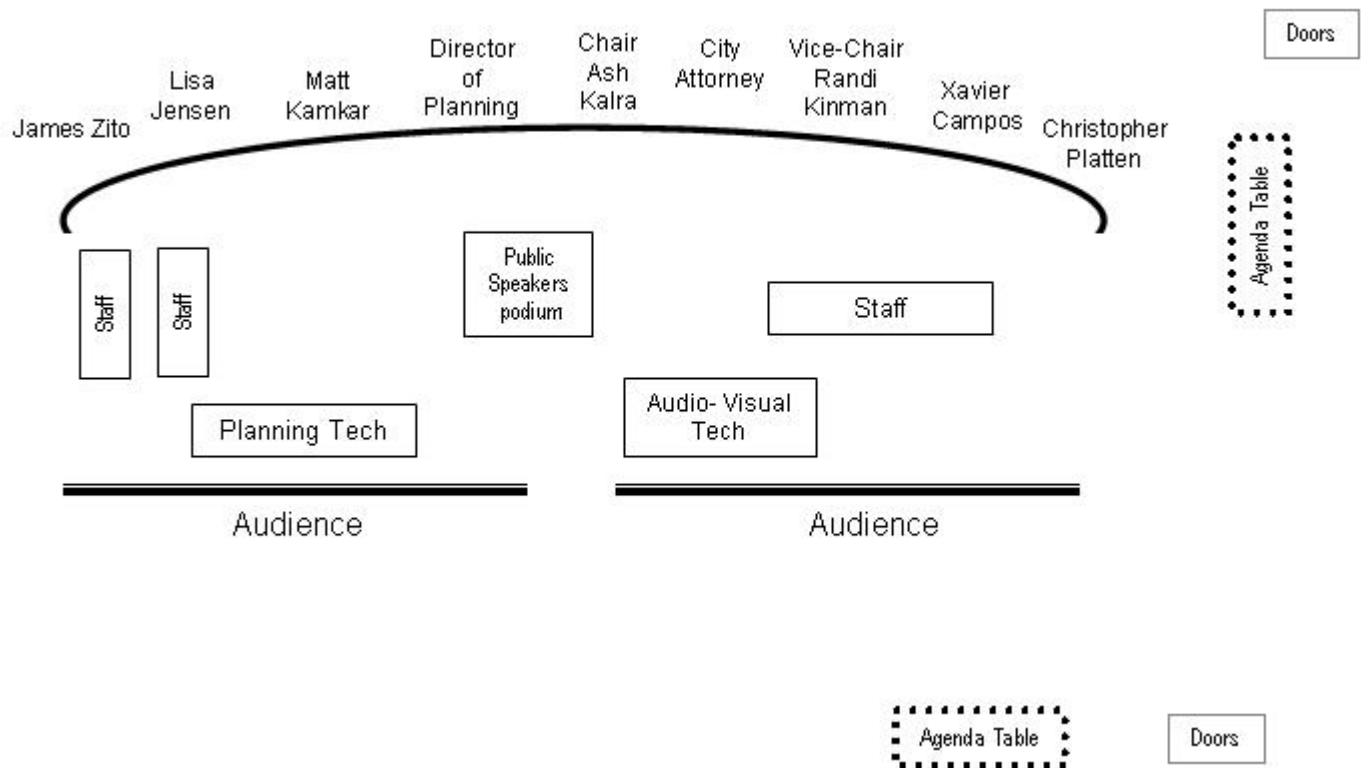
Joseph Horwedel, Director

Planning, Building and Code Enforcement

NOTE

To listen to the audio recording of the planning Commission, please go to the Planning website at: http://sanJosé.granicus.com/ViewPublisher.php?view_id=17

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoséca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjosé.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Note: If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoséca.gov

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-097**. Planned Development Rezoning from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site, located on the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) (Joey and Frances Lo, Owners). Council District 8. SNI: None. CEQA: Incomplete. Deferred from 2/27/08. *PROJECT MANAGER, R.MATHEW*

DROPPED (7-0-0)

3. CONSENT CALENDAR

- a. **CP07-062**. Conditional Use Permit request to allow a private club and banquet facility uses on a 0.26 gross acre site in the CP-Pedestrian Commercial Zoning District located on the north side of Shamrock Drive, approximately 250 feet westerly of South Bascom Avenue (2211 Shamrock Drive)(Santa Maria Association/De Calosa Inc, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 03/26/08. *PROJECT MANAGER, S.MALLICK*
- b. **CP06-071**. Conditional Use Permit to demolish an existing 2,100 square foot gas station building and associated fueling canopy, and to construct a 3,200 square foot gas station, convenience store, car-wash, and new canopy on a 0.64 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Berryessa Road and Lundy Avenue (1715 BERRYESSA RD) (Thuong Van Lam, owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 3/26/08. *PROJECT MANAGER, J.DAVIDSON*

APPROVED (7-0-0)

- c. **CP07-051**. Conditional Use Permit to construct 15,401-square-foot drive-through pharmacy (Rite Aid) and allow off-sale of alcoholic beverages at an existing shopping center on a 10.31 gross acre site in the CN Neighborhood Commercial Zoning District, located on the northeast corner of E. Capitol Expressway and Tuers Road (3111 MCLAUGHLIN AV)(H K N IV LLC, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

- d. [CP07-085](#). Conditional Use Permit request to allow a 2,950 sq. ft. expansion of a ministry center at an existing church on a 3.19 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Cottle Road and Curie Drive (366 St. Julie Drive)(Roman Catholic Bishop of San José, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.MALLICK*

DEFERRED TO 04/21/2008 (7-0-0)

- e. [CP07-103](#). Conditional Use Permit Renewal to extend the term of an existing eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily on a 0.18 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the northwest corner of E. Santa Clara Street and North Third Street (MISSION ALE HOUSE) (97 E SANTA CLARA ST)(Morgan Stanley Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MCMORROW*

APPROVED (6-0-0-1)

Pulled from consent. Staff explained revisions to the permit resolutions.

- *Immediately adjacent sidewalk*
- *Daily patio music until 11:00 p.m.*
- *Remove 60db noise requirement*

No speaker cards. Director explained City Council direction to allow music and late night uses in the downtown.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [ORDINANCE AMENDMENT](#). An Ordinance Amending Part 12 of Chapter 20.100 of Title 20 of the San José Municipal Code to allow businesses that maintain a valid entertainment permit under Title 6 of the San José Municipal Code the ability to obtain a sidewalk café permit to operate a sidewalk café in the downtown, to allow retail sales establishments the ability to operate a sidewalk café, and making other clarifying changes to said Part 12 of Chapter 20.100 (the sidewalk café permitting process) and to related definitions set forth in Chapter 20.200, all of Title 20 to related definitions set forth in Chapter 20.200 all of Title 20 of the San José Municipal Code. CEQA: Exempt. PP06-041. *PROJECT MANAGER, J.HAMILTON*

RECOMMENDED APPROVAL (4-3-0; CAMPOS, KINMAN, AND PLATTEN OPPOSED); WITH 2:00 A.M. CLOSING AND CONTINUATION OF DOWNTOWN WORKING GROUP.

Staff made a brief staff report. Officer David Hober, explained the Police Department perspective.

In response to Commissioner Kinman, Lt. Hober explained investigation about whether sidewalk cafés were selling alcohol without food. In response to Commissioner Kamkar, Lt. Hober clarified that originally, draft of ordinance was to not allow sidewalk café to become extension of bar, and explained collaboration with planning, Office of Economic Development and City Attorney to revise to allow 'some' food service instead of full food service. In response to Commissioner Platten, Lt. Hober responded no violation and no citations issued during Police investigation.

The owner of the San José Grill restaurant in downtown stated that his Conditional Use Permit allowed the sidewalk café to be open until 2:00 a.m. and to serve alcohol. Commissioner Kalra stated police had valid concerns about loitering and keeping unobstructed access for pedestrians. Speaker highlighted operation and security plan and noted his restaurant open for 6 years. In response to Commissioner Jensen, Mr. Powell explained that recent planning requirement for a management plan is helpful to ensure good operation, and stated professionally-run facilities can band together to help all restaurant/bar/café be more successful, and suggested higher security requirements could be appropriate.

Commissioner Jensen asked if a deferral could be helpful to continue dialogue with police department and staff, and speaker concurred. In response to Commissioner Zito, speaker clarified ordinance would require his sidewalk café to close at midnight instead of 2:00 a.m. as he has been operating, and was concerned that the Director of Planning would have power to revoke a permit. The speaker commented that the Planning Commission was the appropriate body to approve alcohol sales in sidewalk cafés. Staff clarified that pilot program was necessary to get information on issues, and going forward, it is important to recognize that 2 separate permits are required, one for the private property and one for the public right-of-way, and that his café would need to end at midnight. Speaker for Britannia Arms explained that late night business really is 11:00 p.m. to 2:00 a.m. and currently, that restaurant operates until 2:00 a.m. with lots of security in sidewalk café, and ABC also regulates. He explained police concerns are already the subject of CUP conditions. In response to Commissioner Kamkar, he explained typical food, alcohol service, and operation since 2001. In response to Commissioner Zito, he said he had a key issue of 12:00 midnight being arbitrary versus 2:00 a.m. He explained the timing to bring ordinance forward was too quick and more time would be helpful. He stated his establishment was apparently not legal and he would like more time. In response to Commissioner Platten, he agreed that 60 days could be enough time. In response to Commissioner Kinman, he confirmed he had only recently heard issue coming before Commission.

Speaker from the Downtown Association stated good move forward and that the City should let existing users continue to operate, but not curtail hours at this time.

The Vice President of the Silicon Valley Chamber of Commerce stated City does need to support, not restrict, outdoor café operation consistent with operation of main use and City should consider it to be positive, and to let sidewalk cafés pull people into the downtown.

A speaker from Connie Martinez/First Act explained “small wonders” were things like sidewalk cafés, which encourage vibrancy and getting pedestrians engaged in the community. In response to Commissioner Platten, she stated excitement about future process to allow more sidewalk cafés and also stated would like more dialogue. Director Horwedel explained rest of process if a 60-day Commission deferral plus Council action, plus 45 days to effectuate ordinance would be mid-August to allow new cafés, and noted San José Administration recommendation is in ordinance but final decision is the Council’s, and the item should get to them shortly. Commissioner Platten stated helpful to hear about other outreach, and asked for more background regarding debate so far. Director Horwedel explained various trials for live entertainment, late soft closings, etc., to fit the vision of what we want to see Downtown. Commissioner Platten noted sensitivity to issues of outreach but moved approval so it could get to Council. Motion failed for lack of a second.

In response to Commissioner Zito regarding brief window of pilot program, staff explained many applications on hold and need to move forward, and explained alcohol, entertainment, and sidewalk café can now be permitted until midnight. Lt. Hober explained only entertainment venues with food service. Commissioner Zito stated he was okay with 2:00 a.m., but would move approval of staff recommendation to midnight only. Commissioner Zito stated his preference would be that Council considers 2:00 a.m. closing, instead of midnight. Commissioner Jensen stated she had been ready to defer for a month, and that she's sensitive that police department is stretched, but is delighted that business owners care about other businesses, but has concerns that existing restaurants will have to end 2 hours earlier. She suggested requirements could be included for higher security. She offered a friendly amendment to the motion that staff reinstitutes a working group to continue a working dialogue. Director Horwedel noted the City Council could decide 2:00 a.m., but there are a number of other items coming with this item to Council on April 29th. Commissioner Zito accepted the friendly amendment. In response to Commissioner Jensen, staff clarified that a retail use like a gift shop with a museum, could have a sidewalk café, and that downtown restaurants can have hours until midnight. Commissioner Campos stated Commission being forced to make fast decision and send to Council, and recalled the decision process Commission made to support those two restaurants. He stated City of San José should have vibrant Downtown, but stated would not support the motion and stated needed changes to Ordinance for more options on hours. Commissioner Kamkar asked Commissioner Zito whether he would amend motion to allow cafés to 2:00 a.m., and Commissioner Zito agreed, and seconded by Commissioner Platten. Commissioner Kinman stated not comfortable with pressure and felt no solid background to move forward yet, and that outreach started out well, but was not ongoing, she stated she would not support the motion.

Commissioner Platten stated strongly that it be made clear to the City Council that there is zero evidence that there are problems currently with the existing sidewalk café operations, no specific evidence has been presented – understanding that there are other existing problems downtown and stated he was torn on motion. Commissioner Jensen stated lack of comfort, but stated 2:00 a.m. recommendation addresses existing businesses; her primary concern, and Commission also recommending working group continue with business owners, police, and staff. She strongly urged the Commission to support to move ordinance forward and Commissioner Zito concurred, so businesses will be able to go forward and get their permits. In response to Commissioner Platten, Counsel clarified current motion.

Commissioner Kalra explained motion balances concern that some businesses are being delayed and summer is coming and that ordinance should get to Council and dialogue should continue. He expressed that, in his opinion, general loitering created more problems than attendance at sidewalk cafés and clubs.

Director Horwedel indicated five permits held up. Motion passed 4-3, Campos, Kinman, Platten opposed.

- b. **ORDINANCE AMENDMENT**. An Ordinance of the City of San José Amending Chapter 20.95 and Chapter 20.100 of Title 20 of the San José Municipal Code, the Zoning Ordinance, to Amend Sections 20.95.020, 20.95.110 and 20.100.480(F) to change and reflect the applicability and conformance threshold requirements for this Chapter from the previous one gross acre threshold to the current 10,000 square foot threshold as required by City Council Policy 6-29, Post-Construction Urban Runoff Management. *PROJECT MANAGER, R.ROSS*

RECOMMENDED APPROVAL (7-0-0)

Staff clarified for Commissioner Zito that Ordinance was just a “clean up” and explained policy being implemented since 2006, and not new. Staff explained ordinance codifies current city policy. Counsel confirmed Commissioner Kamkar statement that size of lots in Policy requirement going down and should be reflective of state law. No speaker cards.

- c. **PDC06-018**. Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning to allow up to 6 single-family detached residences on a 0.69 gross acre site, located on the north side of Michigan Avenue approximately 350 feet easterly of North 1st Street (Schulman, Bennie and Linda S, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 03/26/08. *PROJECT MANAGER, L.MCMORROW*

PREVIOUSLY CONTINUED TO 05/28/07 FROM 03/26/08

- d. **PDC07-080**. Planned Development Rezoning from the IP - Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 239 single-family attached residences and 6,000 square feet of commercial uses on a 2.86 gross acre site, located on the northeast corner of Baypointe Parkway and Tasman Drive (166 Baypointe Py) (William H and Leila A Cilker Trustee, Owner; Trammell Crow Residential, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. Deferred from 3/26/08. *PROJECT MANAGER, J.BATY*

RECOMMENDED APPROVAL (7-0-0)

Commission complimented applicant for transit-oriented, “green” project and commended applicant for coordinating retail with adjacent developer and working with the Parks department to help service a potential park site. Several Commissioners encouraged applicant to minimize the amount of tandem parking. Commissioner Zito suggested 25% as a limit on the number of spaces provided as tandem spaces.

5. CONTINUE THE PLANNING COMMISSION SPRING 2008 HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

No items.

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP07-04-04 & GP06-04-05**. The projects being considered are located on two sites: 1) GP07-04-04 is an approximately 13.68-acre site on the northeast corner of Junction Avenue and Dado Street; and 2) GP06-04-05 is an approximately 13.64-acre site on the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road. (San José V Investors, Applicant/UBS Realty Investors, Owner) Council District: 4. SNI: None. CEQA: EIR Resolution to be adopted. *PROJECT MANAGER, L.MCMORROW*

- 1) **Certification of Final Environmental Impact Report**. (EIR) prepared for Berryessa General Plan amendment and Junction/Dado General Plan amendment (File Nos. GP06-04-05 and GP07-04-04): General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site on the southeasterly side of Berryessa

Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road and General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on a 13.68-acre site located on the northeast corner of Junction Avenue and Dado Street.
Council District: 4.

CERTIFIED ENVIRONMENTAL IMPACT REPORT (7-0-0)

- 2) **GP07-04-04.** General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on a 13.68-acre site.

RECOMMENDED APPROVAL (7-0-0)

See 7.a.3. for comments.

- 3) **GP06-04-05.** General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site and request for Affordability Restrictions Agreement by and between San José V Investors and the City of San José requiring that 5% of the units be affordable to those making 30% or less of the Area Median Income (ELI), 8% of the units be affordable to those making 50% of the Area Median Income (VLI), and 12% of the units be affordable to those making 60% of the Area Median Income (LI) within the residential development located at the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road, San José be offered and maintained thereafter as ELI, VLI, and LI housing units as described above and directing the City Clerk to cause these Restrictions to be recorded with the Recorder's Office of Santa Clara County after their full and complete notarization and execution. (San José V Investors, applicant/UBS Realty Investors, owner) Council District: 4.

RECOMMENDED APPROVAL (7-0-0)

Speakers:

Mike Flaughner, speaking on behalf of the Parks Commission, commented that the Commission had submitted a letter in which they stated that they believed the City should consider dedication of parklands as an “extraordinary benefit” and stated that he was available to answer any questions the Planning Commission might have.

Kerri Hamilton, a north San José resident, expressed support for the staff recommendation to amend the land use to Combined Industrial / Commercial, stating that the area already has an abundance of housing, but needs more commercial services for those residents. She emphasized that she is not opposed to affordable housing, having advocated for the requirement of affordable housing in the adjacent Flea Market development. She expressed concern over the additional environmental impacts (traffic, air quality) that conversion to residential would produce. Commissioner Kamkar asked her if there was a particular percentage of residential or of commercial that would be acceptable to the community. Ms. Hamilton responded that she believes there is already adequate residential land use in the area and that the area needs more employment opportunities as well as commercial services.

Walter Cohen spoke on behalf of the applicant. As part of the applicant’s presentation, Mr. Cohen noted that the proposed Transit Corridor Residential designation would allow for mixed-use development and that the project EIR had specifically included a

significant amount of commercial development. Staff responded that if the site were converted to the Transit Corridor Residential designation, the City would not have a means of requiring a commercial component, and that the TCR designation limits the type and scale of commercial development.

The Commission closed the public hearing.

Commissioner Zito asked staff to explain the negative consequences of converting the site to residential use. Staff explained that residential use costs the city in order to provide services, while commercial or employment development would provide the City with revenue and help to improve the City's job/housing balance. Staff noted that the station area already is planned for residential uses in excess of the BART corridor requirements and that the area needs more employment and commercial uses in order to meet the General Plan goal of providing a mix of land uses in the overall station area.

Commissioner Zito asked how much of the site would be available after dedication for the BART station. Staff responded that if the VTA has planned to place parking on the site, that parking could be provided in a mixed-use parking structure and that there will be opportunities for other development by using the site in a vertical manner.

Commissioner Zito asked if the trail along Penitencia creek could be built with a commercial development. Staff commented that any development would be subject to the Riparian Corridor Policy setback requirement which would result in the reservation of land adequate to provide for the trail and that it might be possible to work with a commercial developer to construct the trail. Commissioner Zito asked staff to work to implement the trail with any future commercial development.

Commissioner Jensen made a motion to support the staff recommendation to amend the land use to Combined Industrial/Commercial and noted that a significant portion of the site may be taken for a BART station or by the Water District; that the current owner is not the developer; and that GP amendments cannot be conditioned.

The Commission recognized that the area around the planned BART station already has a significant amount of planned or existing residential use and recognized the need to retain employment capacity and to provide commercial services for residents. Commission would like to see trail development with any use and encouraged staff to work to include trail with any future development.

- b. [GP08-09-01](#). General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.5-acre site located on the northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road)(Silverstone Communities, Applicant/Continental Centers, LLC. and Pamela S. and Randy A. Kelley, Owners) Council District: 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A. TAI*

RECOMMENDED APPROVAL (7-0-0)

Commissioner Kamkar commented that conversion of the site to residential seems unlikely. Erik Schoennauer, speaking on behalf of the applicant, explained the project history and the Employment Lands Preservation Framework process that requires approval of item 7.b in order to offset the employment land conversion proposed for item 7.c. The Commission discussed if the 7.b. site would be susceptible to future conversion. The applicant stated that

the GPA will help to preserve it for commercial use. The Commission agreed that the site is appropriate for commercial uses.

- c. **GP07-06-01/GPT07-06-01**. General Plan land use and text amendment request to:
1. Amend the General Plan Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.15 acres of a 7.4-acre site.
 2. Increase the maximum building height limit from 50 feet to 90 feet between Dudley Avenue and South Baywood Road. The site is located north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, and east of Dudley Avenue (485 South Monroe Street) (Silverstone Communities, Applicant/Pacific Bell, Owner) Council District: 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.TAI*

**RECOMMENDED DENIAL (4-3-0; JENSEN, KALRA, AND ZITO
OPPOSED)**

Speakers: Mike Flaughner, speaking on behalf of the Parks Commission, noted that this project is very different than the previous proposed conversion. He noted that the area is isolated and needs park benefit and reiterated that the Parks Commission supports the dedication of parklands as an “extraordinary benefit”.

Commissioner Kinman requested clarification as to whether or not the City would consider parkland dedication as an extraordinary benefit. Staff responded that fulfillment of a project’s Parkland Dedication Ordinance and other standard development requirements could not be considered as an extraordinary benefit, but noted that in some cases a project may provide additional park-related items (e.g., offer funding for long-term park maintenance) that could be considered as a potential extraordinary benefit.

Steve Hall, a neighborhood resident, stated that the park would benefit the neighborhood and that he expected residential development to be a much better neighbor than the previous building occupant, PacBell, which had allowed the building to become an eyesore. Commissioner Jensen asked how long the PacBell building been unoccupied. The resident stated that it had been 5 or 6 years.

Keith Vandertuig, a neighborhood resident, stated that he opposes the proposed height change to 90 feet, noting that it would impact the nearby residences and shade the proposed park. He also expressed concern about moving the street closer to the residences and increased traffic on Tisch. Commissioner Kalra asked for clarification on the existing connection from the neighborhood to Santana Row. Mr. Vandertuig commented that most residents must now either walk out to Winchester or cut through a private property in order to get to Santana Row.

Bassel Anber, a neighborhood resident, said that he is disappointed that the City hasn’t already expanded the park or done anything to mitigate traffic in the area using money collected from Santana Row. He indicated that he is satisfied with the proposal to convert to residential use, but has concern over the proposed height increase to 90 feet. He concluded that the project provides the best chance to expand the park.

Commissioner Zito asked the applicant to clarify how the proposed \$30,000 per year for park maintenance would be provided and if it would be an annuity. The applicant stated that this could be determined through the terms of a Development Agreement and that it might be set up as a gift trust.

The Commission asked the applicant to elaborate on proposed measures to achieve a LEED “silver” rating for the project. The applicant stated that it had not yet been determined. The Commission asked if the project would include photovoltaics. The applicant, John McMorrow, stated that each unit would be constructed with conduit to allow future residents to connect photovoltaic panels.

Commissioner Platten asked the applicant to clarify how he had determined the dollar amounts indicated for several of the “extraordinary benefit” items.

The Commission discussed the possibility of a deferral of the project to allow more time for the applicant and staff to resolve a Development Agreement. Staff noted that it was probably too late to make changes to the project in time to hear a new proposal as part of the Spring 2008 General Plan hearings, so that it would be necessary to defer until the Fall. Both the applicant and staff indicated that they did not want to defer the project.

The Commission closed the public hearing.

Commissioner Platten made a motion to recommend denial of the proposed Amendment, stating that the proposed extraordinary benefit seemed insufficient.

Commissioner Jensen stated that she didn’t support the motion and noted that the applicant had been working on the project since fall 2006 and was working diligently. She noted that it is rare to have community support, and that the project would provide benefit by being LEED Silver, improving pedestrian corridors, moving the existing street, and by providing a maintenance fund for the park.

The Commission was in general agreed that the proposed project design is good in that it provides for expansion of the park, improves pedestrian connectivity in the neighborhood and would be build to LEED Silver standards. The Commission debated the actual value of the proposed “extraordinary benefit” items and whether they represented an adequate level of benefit to the City.

Commissioner Zito indicated that he would have like to have seen a higher level of benefit, but that the project provided an opportunity to expand the park and provide pedestrian connections that should not be missed.

Commissioner Kamkar stated that the proposed benefit was good, but not quite enough to justify the conversion.

Commissioner Kalra noted that while the City Council is the final decision maker, it is appropriate for the Planning Commission to make a recommendation and indicated support for the project because of the park expansion and connectivity.

Commissioner Kinman indicated a desire to have more guidance on what constitutes adequate “extraordinary benefit”.

Commissioner Platten stated that the City needs to set the bar high for the benefit received from employment land conversions.

Commissioner Platten’s motion to deny (per staff’s recommendation) passed 4-3.

8. **CONTINUE THE PLANNING COMMISSION HEARING FOR THE SPRING 2008
GENERAL PLAN AMENDMENTS TO MONDAY, APRIL 21, 2008**

9. **PETITIONS AND COMMUNICATIONS**

NONE.

10. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER
AGENCIES**

NONE.

11. **GOOD AND WELFARE**

a. Report from City Council

Director Horwedel explained that Whole Foods on Blossom Hill with off-sale approved by Council. Council may change the ABC process so Planning Commission makes a recommendation instead of denial. Keesling 3-unit subdivision approved with conditions. Second Unit Ordinance approved with park fee set at 50% of SRO fee (Council Member Constant concerned that this amount is too high). Planning Commission will likely see “illegally constructed” units trying to be legalized as City performs enforcement.

b. Commissioners’ report from Committees:

1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No meeting yet.

2) Coyote Valley Specific Plan (Platten).

Final meeting of Taskforce this coming week. Recommendation to City Council on 4/22/08.

3) Parks Funding Subcommittee (Zito).

City Manager’s Office may make changes to use more CSC reserve for parks.

4) Envision San José 2040 General Plan Update Process (Kamkar).

Next meeting in 1-2 weeks.

c. Review of synopsis for 03/26/08.

Approved (7-0-0)

d. Consider Study Session dates and/or topics.

1) Add Study Session – ‘By-Law Changes’ on May 14th or 28th 2008

Counsel – clarify was seeking into only on dates available; By-Law Changes Committee will need to decide when they are ready for Study Session. Planning Commission requested information 1 week in advance. Planning Commission noted request for second Study Session on Riparian Corridor, including staff from SCVWD.

12. **ADJOURNMENT**

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review & Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing & Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-332
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers